IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

Crl.MC.No. 559 of 2007()

CMP.1269/2007 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOTTARAKKARA

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PETITIONER:

SHAJI, S/O.SREEDHARAN, AGED 38 YEARS,
REEJA BHAVAN, PULIYARAKKONAM, MADAVOOR VILLAGE,
CHIRAYINKEEZHU TALUK.

BY ADV. SRI.C.V.BIMAL ROY

RESPONDENTS:

THE STATION HOUSE OFFICER,
KADKKAL POLICE STATION,
KOLLAM DISTRICT, REP.BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 559 OF 2007

Dated this the 6th day of March, 2007

ORDER

In this Crl.M.C. the petitioner complains about the onerous condition imposed on him as Condition No.1 when the vehicle belonging to him was directed to be released as per the order dated 14/2/207 by the learned Magistrate. The said condition obliges the petitioner to furnish bank guarantee for Rs.4 lakhs being the value of the vehicle.

2. The learned counsel for the petitioner submits that the insistence on production of bank guarantee in addition to the obligation to execute a bond for Rs.4 lakhs with two solvent sureties each for the like sum is unjustified and unnecessary. The condition that the petitioner must execute a bond for Rs.4 lakhs with two solvent sureties each for the like sum will safeguard the interests of the State. In these circumstances, the said condition may be deleted, it is prayed.

3. I find merit in the contention raised by the learned counsel for the petitioner. I do not find it necessary to insist on such an onerous condition as production of bank guarantee

for the entire value of the vehicle. Condition No.2 which obliges the petitioner to execute a bond for Rs.4 lakhs with two solvent sureties each for the like sum which condition is not challenged, I am satisfied, shall serve the ends of justice eminently.

4. In the result, this Crl.M.C. is allowed in part. Condition No.1 obliging the petitioner to furnish bank guarantee as condition for release of the vehicle is hereby deleted. The learned Magistrate shall, of course, insist on appropriate and sufficient sureties to execute the bond.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge